

107TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. VOINOVICH introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To reauthorize the Appalachian Regional Development Act of 1965, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Appalachian Regional
5 Development Act Amendments of 2001”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

8 (1) to reauthorize the Appalachian Regional
9 Development Act of 1965 (40 U.S.C. App.); and

10 (2) to ensure that the people and businesses of
11 the Appalachian region have the knowledge, skills,

1 and access to telecommunication and technology
2 services necessary to compete in the knowledge-
3 based economy of the United States.

4 **SEC. 3. FUNCTIONS OF THE COMMISSION.**

5 Section 102(a) of the Appalachian Regional Develop-
6 ment Act of 1965 (40 U.S.C. App.) is amended—

7 (1) in paragraph (5), by inserting “, and sup-
8 port,” after “formation of”;

9 (2) in paragraph (7), by striking “and” at the
10 end;

11 (3) in paragraph (8), by striking the period at
12 the end and inserting “; and”; and

13 (4) by adding at the end the following:

14 “(9) seek to coordinate the economic develop-
15 ment activities of, and the use of economic develop-
16 ment resources by, Federal agencies in the region.”.

17 **SEC. 4. INTERAGENCY COORDINATING COUNCIL ON APPA-**
18 **LACHIA.**

19 Section 104 of the Appalachian Regional Develop-
20 ment Act of 1965 (40 U.S.C. App.) is amended—

21 (1) by striking “The President” and inserting

22 “(a) IN GENERAL.—The President”; and

23 (2) by adding at the end the following:

24 “(b) INTERAGENCY COORDINATING COUNCIL ON AP-
25 PALACHIA.—

1 “(1) ESTABLISHMENT.—In carrying out sub-
2 section (a), the President shall establish an inter-
3 agency council to be known as the ‘Interagency Co-
4 ordinating Council on Appalachia’.

5 “(2) MEMBERSHIP.—The Council shall be com-
6 posed of—

7 “(A) the Federal Cochairman, who shall
8 serve as Chairperson of the Council; and

9 “(B) representatives of Federal agencies
10 that carry out economic development programs
11 in the region.”.

12 **SEC. 5. TELECOMMUNICATIONS AND TECHNOLOGY INITIA-**
13 **TIVE.**

14 Title II of the Appalachian Regional Development
15 Act of 1965 (40 U.S.C. App.) is amended by inserting
16 after section 202 the following:

17 **“SEC. 203. TELECOMMUNICATIONS AND TECHNOLOGY INI-**
18 **TIATIVE.**

19 “(a) IN GENERAL.—The Commission may provide
20 technical assistance, make grants, enter into contracts, or
21 otherwise provide funds to persons or entities in the region
22 for projects—

23 “(1) to increase affordable access to advanced
24 telecommunications, entrepreneurship, and manage-
25 ment technologies or applications in the region;

1 “(2) to provide education and training in the
2 use of telecommunications and technology;

3 “(3) to develop programs to increase the readi-
4 ness of industry groups and businesses in the region
5 to engage in electronic commerce; or

6 “(4) to support entrepreneurial opportunities
7 for businesses in the information technology sector.

8 “(b) SOURCE OF FUNDING.—

9 “(1) IN GENERAL.—Assistance under this sec-
10 tion may be provided—

11 “(A) exclusively from amounts made avail-
12 able to carry out this section; or

13 “(B) from amounts made available to
14 carry out this section in combination with
15 amounts made available under any other Fed-
16 eral program or from any other source.

17 “(2) FEDERAL SHARE REQUIREMENTS SPECI-
18 FIED IN OTHER LAWS.—Notwithstanding any provi-
19 sion of law limiting the Federal share under any
20 other Federal program, amounts made available to
21 carry out this section may be used to increase that
22 Federal share, as the Commission determines to be
23 appropriate.

24 “(c) COST SHARING FOR GRANTS.—Not more than
25 50 percent (or 80 percent in the case of a project to be

1 carried out in a county for which a distressed county des-
2 ignation is in effect under section 226) of the costs of any
3 activity eligible for a grant under this section may be pro-
4 vided from funds appropriated to carry out this section.”.

5 **SEC. 6. PROGRAM DEVELOPMENT CRITERIA.**

6 (a) **ELIMINATION OF GROWTH CENTER CRITERIA.**—
7 Section 224(a)(1) of the Appalachian Regional Develop-
8 ment Act of 1965 (40 U.S.C. App.) is amended by striking
9 “in an area determined by the State have a significant
10 potential for growth or”.

11 (b) **ASSISTANCE TO DISTRESSED COUNTIES AND**
12 **AREAS.**—Section 224 of the Appalachian Regional Devel-
13 opment Act of 1965 (40 U.S.C. App.) is amended by add-
14 ing at the end the following:

15 “(d) **ASSISTANCE TO DISTRESSED COUNTIES AND**
16 **AREAS.**—For each fiscal year, not less than 50 percent
17 of the amount of grant expenditures approved by the Com-
18 mission shall support activities or projects that benefit se-
19 verely and persistently distressed counties and areas.”.

20 **SEC. 7. GRANTS FOR ADMINISTRATIVE EXPENSES OF**
21 **LOCAL DEVELOPMENT DISTRICTS AND FOR**
22 **RESEARCH AND DEMONSTRATION PROJECTS.**

23 Section 302 of the Appalachian Regional Develop-
24 ment Act of 1965 (40 U.S.C. App.) is amended—

1 (1) in subsection (a)(1)(A)(i), by inserting “(or,
2 at the discretion of the Commission, 75 percent of
3 such expenses in the case of a local development dis-
4 trict that has a charter or authority that includes
5 the economic development of a county or part of a
6 county for which a distressed county designation is
7 in effect under section 226)” after “such expenses”;
8 and

9 (2) by adding at the end the following:

10 “(d) ASSUMPTION OF ENVIRONMENTAL PROTECTION
11 RESPONSIBILITIES BY STATE AND LOCAL GOVERN-
12 MENTS.—

13 “(1) IN GENERAL.—Under regulations ap-
14 proved by the Commission, a State or local govern-
15 ment carrying out a construction project under this
16 section may assume all responsibilities for environ-
17 mental review, decisionmaking, and action under the
18 National Environmental Policy Act of 1969 (42
19 U.S.C. 4321 et seq.), and such other provisions of
20 law as the Commission specifies, that would apply to
21 the Federal Cochairman if the Federal Cochairman
22 were to undertake the project as a Federal project.

23 “(2) CERTIFICATIONS.—A State or local gov-
24 ernment seeking to assume environmental protection
25 responsibilities under paragraph (1) shall submit to

1 the Federal Cochairman an application containing a
2 certification that—

3 “(A) is in a form acceptable to the Federal
4 Cochairman;

5 “(B) is executed by the chief executive offi-
6 cer or other officer of the State or local govern-
7 ment qualified under regulations of the Com-
8 mission;

9 “(C) states that the State or local govern-
10 ment will fully carry out its responsibilities
11 under this subsection; and

12 “(D) states that the certifying officer—

13 “(i) consents to assume the status of
14 a responsible Federal official under the
15 National Environmental Policy Act of
16 1969 (42 U.S.C. 4321 et seq.) and each
17 provision of law specified by the Commis-
18 sion to the extent that the provisions of
19 that Act or other provision of law apply
20 under this subsection; and

21 “(ii) is authorized and consents on be-
22 half of the State or local government and
23 the certifying officer to accept the jurisdic-
24 tion of the Federal courts for the purpose
25 of enforcement of the certifying officer’s

1 responsibilities as such a responsible Fed-
2 eral official.

3 “(3) APPROVAL OF APPLICATIONS.—Approval
4 by the Federal Cochairman of an application sub-
5 mitted under paragraph (2) shall be deemed to sat-
6 isfy the responsibilities of the Federal Cochairman
7 under the National Environmental Policy Act of
8 1969 (42 U.S.C. 4321 et seq.) and such other provi-
9 sions of law as the Commission specifies with respect
10 to projects covered by the application.

11 “(4) CONSULTATION WITH COUNCIL ON ENVI-
12 RONMENTAL QUALITY.—The Commission shall
13 amend the Appalachian Regional Commission Code
14 to include regulations to carry out this subsection
15 only after consultation with the Council on Environ-
16 mental Quality.

17 “(5) ANNUAL REPORT.—Not later than 1 year
18 after the date of enactment of this subsection, and
19 annually thereafter, the Commission shall submit to
20 the Committee on Transportation and Infrastructure
21 of the House of Representatives and the Committee
22 on Environment and Public Works of the Senate a
23 report describing each case in which a State or local
24 government has assumed environmental protection

1 responsibilities under this subsection in the pre-
2 ceding year.”.

3 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

4 Section 401 of the Appalachian Regional Develop-
5 ment Act of 1965 (40 U.S.C. App.) is amended to read
6 as follows:

7 **“SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

8 “(a) IN GENERAL.—In addition to amounts author-
9 ized by section 201 and other amounts made available for
10 the Appalachian development highway system program,
11 there are authorized to be appropriated to the Commission
12 to carry out this Act—

13 “(1) \$83,000,000 for fiscal year 2002;

14 “(2) \$86,000,000 for fiscal year 2003;

15 “(3) \$89,000,000 for fiscal year 2004;

16 “(4) \$92,000,000 for fiscal year 2005; and

17 “(5) \$95,000,000 for fiscal year 2006.

18 “(b) TELECOMMUNICATIONS AND TECHNOLOGY INI-
19 TIATIVE.—Of the amounts made available under sub-
20 section (a), \$10,000,000 for each fiscal year shall be made
21 available to carry out section 203.

22 “(c) AVAILABILITY.—Sums made available under
23 subsection (a) shall remain available until expended.”.

1 **SEC. 9. TERMINATION.**

2 Section 405 of the Appalachian Regional Develop-
3 ment Act of 1965 (40 U.S.C. App.) is amended by striking
4 “2001” and inserting “2006”.

5 **SEC. 10. TECHNICAL AND CONFORMING AMENDMENTS.**

6 (a) Section 101(b) of the Appalachian Regional De-
7 velopment Act of 1965 (40 U.S.C. App.) is amended in
8 the third sentence by striking “implementing investment
9 program” and inserting “strategy statement”.

10 (b) Section 106(7) of the Appalachian Regional De-
11 velopment Act of 1965 (40 U.S.C. App.) is amended by
12 striking “expiring no later than September 30, 2001”.

13 (c) Sections 202, 214, and 302(a)(1)(C) of the Appa-
14 lachian Regional Development Act of 1965 (40 U.S.C.
15 App.) are amended by striking “grant-in-aid programs”
16 each place it appears and inserting “grant programs”.

17 (d) Section 202(a) of the Appalachian Regional De-
18 velopment Act of 1965 (40 U.S.C. App.) is amended in
19 the second sentence by striking “title VI of the Public
20 Health Service Act (42 U.S.C. 291–291o), the Mental Re-
21 tardation Facilities and Community Mental Health Cen-
22 ters Construction Act of 1963 (77 Stat. 282),” and insert-
23 ing “title VI of the Public Health Service Act (42 U.S.C.
24 291 et seq.), the Developmental Disabilities Assistance
25 and Bill of Rights Act of 2000 (42 U.S.C. 15001 et
26 seq.),”.

1 (e) Section 207(a) of the Appalachian Regional De-
2 velopment Act of 1965 (40 U.S.C. App.) is amended by
3 striking “section 221 of the National Housing Act, section
4 8 of the United States Housing Act of 1937, section 515
5 of the Housing Act of 1949,” and inserting “section 221
6 of the National Housing Act (12 U.S.C. 1715*l*), section
7 8 of the United States Housing Act of 1937 (42 U.S.C.
8 1437f), section 515 of the Housing Act of 1949 (42
9 U.S.C. 1485),”.

10 (f) Section 214 of the Appalachian Regional Develop-
11 ment Act of 1965 (40 U.S.C. App.) is amended—

12 (1) in the section heading, by striking “GRANT-
13 IN-AID” and inserting “GRANT”;

14 (2) in subsection (a)—

15 (A) by striking “grant-in-aid Act” each
16 place it appears and inserting “Act”;

17 (B) in the first sentence, by striking
18 “grant-in-aid Acts” and inserting “Acts”;

19 (C) by striking “grant-in-aid program”
20 each place it appears and inserting “grant pro-
21 gram”; and

22 (D) by striking the third sentence;

23 (3) by striking subsection (c) and inserting the
24 following:

25 “(c) DEFINITION OF FEDERAL GRANT PROGRAM.—

1 “(1) IN GENERAL.—In this section, the term
2 ‘Federal grant program’ means any Federal grant
3 program authorized by this Act or any other Act
4 that provides assistance for—

5 “(A) the acquisition or development of
6 land;

7 “(B) the construction or equipment of fa-
8 cilities; or

9 “(C) any other community or economic de-
10 velopment or economic adjustment activity.

11 “(2) INCLUSIONS.—In this section, the term
12 ‘Federal grant program’ includes a Federal grant
13 program such as a Federal grant program author-
14 ized by—

15 “(A) the Consolidated Farm and Rural
16 Development Act (7 U.S.C. 1921 et seq.);

17 “(B) the Land and Water Conservation
18 Fund Act of 1965 (16 U.S.C. 460l–4 et seq.);

19 “(C) the Watershed Protection and Flood
20 Prevention Act (16 U.S.C. 1001 et seq.);

21 “(D) the Carl D. Perkins Vocational and
22 Technical Education Act of 1998 (20 U.S.C.
23 2301 et seq.);

24 “(E) the Federal Water Pollution Control
25 Act (33 U.S.C. 1251 et seq.);

1 “(F) title VI of the Public Health Service
2 Act (42 U.S.C. 291 et seq.);

3 “(G) sections 201 and 209 of the Public
4 Works and Economic Development Act of 1965
5 (42 U.S.C. 3141, 3149);

6 “(H) title I of the Housing and Commu-
7 nity Development Act of 1974 (42 U.S.C. 5301
8 et seq.); or

9 “(I) part IV of title III of the Communica-
10 tions Act of 1934 (47 U.S.C. 390 et seq.).

11 “(3) EXCLUSIONS.—In this section, the term
12 ‘Federal grant program’ does not include—

13 “(A) the program for construction of the
14 Appalachian development highway system au-
15 thorized by section 201;

16 “(B) any program relating to highway or
17 road construction authorized by title 23, United
18 States Code; or

19 “(C) any other program under this Act or
20 any other Act to the extent that a form of fi-
21 nancial assistance other than a grant is author-
22 ized.”; and

23 (4) by striking subsection (d).

24 (g) Section 224(a)(2) of the Appalachian Regional
25 Development Act of 1965 (40 U.S.C. App.) is amended

1 by striking “relative per capita income” and inserting “per
2 capita market income”.

3 (h) Section 225 of the Appalachian Regional Develop-
4 ment Act of 1965 (40 U.S.C. App.)—

5 (1) in subsection (a)(3), by striking “develop-
6 ment program” and inserting “development strate-
7 gies”; and

8 (2) in subsection (c)(2), by striking “develop-
9 ment programs” and inserting “development strate-
10 gies”.

11 (i) Section 303 of the Appalachian Regional Develop-
12 ment Act of 1965 (40 U.S.C. App.) is amended—

13 (1) in the section heading, by striking “INVEST-
14 MENT PROGRAMS” and inserting “STRATEGY STATE-
15 MENTS”;

16 (2) in the first sentence, by striking “imple-
17 menting investments programs” and inserting
18 “strategy statements”; and

19 (3) by striking “implementing investment pro-
20 gram” each place it appears and inserting “strategy
21 statement”.

22 (j) Section 403 of the Appalachian Regional Develop-
23 ment Act of 1965 (40 U.S.C. App.) is amended—

24 (1) in the next-to-last undesignated paragraph,
25 by striking “Committee on Public Works and Trans-

- 1 portation” and inserting “Committee on Transpor-
- 2 tation and Infrastructure”; and
- 3 (2) by striking the last undesignated paragraph.